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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/129 of 2019

IN THE MATTER OF:

1. SMT. SUSANA HORO, wife of Late
Manbahal Horo, aged about 53 years,
who died in harness before retirement
on 27.07.2011 while he was working to
the post of Fitter Grade-I being Ticket
No. 7049 of Shop No. 7 of
Kanchrapara Workshop of Eastern
Railway, and residing at K.G.R. Path,
'Gitanjali Apartment', Post Office-
Kanchrapara, District- 24-Parganas
(North), Pin-743145;

2. Mr. AYUSH RAJ HORO, son of Late
Manbahal Horo, aged about 19 years,
residing at K.G.R. Path, 'Gitanjali
Apartment', Post Office- Kanchrapara,
District- 24-Parganas (North), Pin-
743145;

3. ASTHA AMRITA HORO, daughter of Late
Manbahal Horo, aged about 20 residing
at K.G.R. Path, 'Gitanjali Apartment',
Post Office- Kanchrapara, District- 24-
Parganas (North), Pin-743145

...APPLICANTS

-VERSUS-

1. UNION OF INDIA -service through the
General Manager, Eastern Railway, 17,
N.S. Road, Fairlie Place, Kolkata-
700001;
2. THE CHIEF WORKS MANAGER, Eastern
Railway, Kanchrapara, District- 24-
Parganas (North), Pin- 743145.
3. THE WORKSHOP PERSONNEL OFFICER in
the office of Chief Works Manager,
Eastern Railway, Kanchrapara, District-
24-Parganas (North), Pin- 743145.

Respondents.

(1)

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A.No. 350/129/2019

Date of Order: 18.01.2021



Coram: Hon'ble Mr. Tarun Shridhar, Administrative Member

Smt. Susana Horo & Ors. Applicants

- VERSUS -

Union of India & Ors. Respondents

For the Applicant : Mr. P.C.Das, Ms. T.Maiti, Counsel

For the Respondents : Mr. D.Nandi, Counsel

ORDER (Oral)

Tarun Shridhar, Administrative Member:

The applicants, in this O.A., seek the following reliefs:

- "a) Leave may be granted to the applicants to file this application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987;
- b) To quash and/or set aside the impugned office order dated 07.01.2019 issued by the Workshop Personnel Officer on behalf of Chief Works Manager, Eastern Railway, Kanchrapara whereby and whereunder the claim of the applicants has been rejected which is a non-speaking and non-reasoned order and the ground which has been put forth in the said order is not at all sustainable in the eye of law and violates the Railway Board's circular being Annexure A-4 of this original application;
- c) To pass an appropriate order directing upon the respondent authority to issue appointment order in favour of the applicant No.2 on compassionate ground who is otherwise eligible for getting the same because of sudden demise of his father and to protect his mother and sister by providing such job.
- d) To declare that mere employability of the applicant No.1 before the railway authority is not a ground for rejection of the compassionate appointment in respect applicant No.2 the son of the applicant No.1 because the other criteria has not been considered by the Railway Authority or by the

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Welfare Officer after demise of the Late Manbahal Horo the husband of the applicant No.1;

2. Brief facts of the case are that the husband of applicant No.1, who was a railway employee, died while in service on 27.07.2011. Sometime after his death, applicant No.1 submitted an application on 17.02.2012 seeking appointment on compassionate grounds for her son, the applicant No.2, who was a minor at that time. In her request, she prayed that this appointment be given when her son became a major. On 13.09.2017, she made a representation that now that the son was a major, appointment on compassionate grounds may be made. This representation was supported by relevant documents. However, the application got rejected on 07.01.2019 on the ground that applicant No.1 herself is a Railway employee.

Ld. Counsel for the applicant would argue that this order (Annexure-A/4) is a non-speaking and non-reasoned order and goes against the instructions governing the subject, especially as contained in Letter No. CPO/SC/SA/POL/Pt.X dated 22.01.2009. He submits that there is no specific provision in this circular which acts as a bar for compassionate appointment if the mother of the applicant is an employee in the Railway organization. He also draws attention to the fact that neither the signing authority of the impugned order or the authority on whose behalf the order has been signed is the competent authority to decide the claim of the applicant. Hence, this rejection is not in accordance with the rules. He seeks a direction to the respondents for sympathetic consideration of the application and representation of the applicants strictly in accordance with the laid down rules and instructions.

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3. Ld. Counsel for the respondents vehemently argues that since applicant No.1 is employed in the Railways as Chief Matron, the family enjoys good financial condition and has assured regular income. Hence, this case does not fall within the purview of the rules governing appointment on compassionate grounds. He informs that applicant No.1, the widow of the deceased employee, is holding the highest post in Group-C category, therefore, she is financially well placed.

4. I have attentively heard the Ld. Counsels for the parties and meticulously gone through the documents on record.

5. Appointment on compassionate grounds is resorted to mitigate hardship to the family of the deceased employee and this hardship is determined on the basis of financial status/income of the family. Rules governing the subject restrict number of appointments in this category to 5% of the Direct Recruitment vacancies available in a particular year. Inevitably, the number of claimants are large and the posts available are limited, therefore, the thumb rule for making this appointment is to give priority to the people who are in the most hard-pressed financial circumstances.

In the present case, not only the family had been paid the entire dues of the deceased employee but the widow of the employee, who is applicant No.1 herein, also holds a regular secure government job. Hence, by no stretch of imagination can the family be held to be suffering from acute financial hardship. Therefore, the applicant's prayer for a direction to the respondents to issue appointment order in favour of applicant No.2 is devoid of merit. I do not find any infirmity in the decision taken by the respondents while deciding the claim of the applicants.

(1)

6. The O.A. is, accordingly, dismissed. No costs.

(Tarun Shridhar)
Member (A)



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